

CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED BY TELEFACSIMILE IN ACCORDANCE WITH 37 C.F.R. 1.6(d) TO (703) 308-7924 TO THE UNITED STATES PATENT AND TRADEMARK OFFICE, WASHINGTON, D.C., ON NOVEMBER 11, 2003.


Michelle Y. Walker

11/11/2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Miller *et al.*

Attorney Docket No.: 0109-UTL

Serial No 10/020,450

Art Group : 1614

Filed: 12/14/2001

Examiner: P. SPIVAK

Title: COMPOSITIONS & METHODS FOR THE PREVENTION & TREATMENT OF
CEREBRAL ISCHEMIA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Transmitted herewith for filing in the above identified Application, under 37 C.F.R. 1.97, are an information Disclosure Statement and completed PTO Form 1449, along with referenced documents A1 and C1.

Identification of Time of filing the Information Disclosure Statement and any Required Certification or Petition

- ☐ The Information Disclosure Statement is being submitted: (a) within three (3) months of the filing date, or (b) before the mailing date of a first Office action on the merits. **Therefore no fee is due or certification is required under 37 C.F.R. 1.97 (b).**
- ☐ The Information Disclosure Statement is being submitted more than three (3) months after the filing date and after the mailing date of the first Office action on the merits, but before a final action under § 1.313 or a notice of allowance under § 1.311, whichever occurs first. The undersigned hereby certifies under 37 C.F.R. 1.97(e)(1) that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office on a counterpart foreign application not more than (3) months prior to the filing of the Information disclosure Statement. **Therefore, no fee is due under 37 C.F.R. 1.97 (c).**

Information Disclosure Statement
Serial No 10/020,450

Case 0109-UTL
Page 2

- [] The Information Disclosure Statement is being submitted more than three (3) months after the filing date and after the mailing date of the first Office action on the merits, but before a final action under § 1.313 or a notice of allowance under § 1.311, whichever occurs first. The undersigned hereby certifies under 37 C.F.R. 1.97 (e) (2) that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a foreign counterpart application, or to undersigned's knowledge after making reasonable inquiry, was known to any person designated in §1.56 (c) more than (3) three months prior to the filing of the Information Disclosure Statement. **Therefore, no fee is due under 37 CFR 1.97 (c).**
- [] The Information Disclosure Statement is being submitted after the mailing date of a final action under § 1.313 or a notice of allowance under § 1.311, whichever occurs first, but before, or simultaneously with, payment of the issue fee.
- [] The undersigned hereby certifies under 37 C.F.R. 1.97(e)(1) that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office on a counterpart foreign application not more than three (3) months prior to the filing of the Information Disclosure Statement.
- [] Applicant(s)' attorney hereby certifies under 37 C.F.R. 1.97(e)(2) that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a foreign counterpart application, or, to the undersigned Attorney's knowledge after making reasonable inquiry, was known to any person designated in §1.56 (c) more than (3) three months prior to the filing of the Information Disclosure Statement.

2. Fee calculation and Deposit Account Authorization

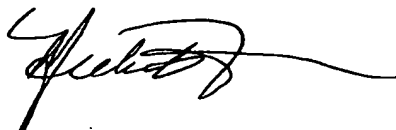
- [XX] The Information Disclosure Statement is being submitted more than three (3) months after the filing date and after the mailing date of the first Office action on the merits, but before a final action under § 1.313 or a notice of allowance under § 1.311, whichever occurs first, without certification under 37 C.F.R. 1.97(e). Therefore, *only if this entry is checked in the left margin*, the **\$ 180.00** fee set forth in §1.17 (p) is authorized below.
- [XX] Applicant(s) hereby petition requesting consideration of the Information Disclosure Statement. *Therefore only if this entry is checked in the left margin*, the **\$180.00** petition fee set forth in § 117(i) is authorized below
- [XX] Please charge **\$ 180.00** to Deposit Account No. **50-2247**
- [XX] The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2247. This is not however, an authorization to pay the issue fee. A duplicate of this document is enclosed.

Information Disclosure Statement
Serial No 10/020,450

Case 0109-UTL
Page 2

The Examiner is respectfully requested to consider these documents and to make them of record in the subject application.

Respectfully submitted,



Michelle Y. Walker
Agent for Applicants
Registration No. 53,903

Galileo Pharmaceuticals, Inc.
5301 Patrick Henry Drive
Santa Clara, CA 95054
Telephone No. (408) 654-5830 ex. 179

Date: November 11, 2003